

FIRST AMENDMENT TO WEST TOWNE CONDOMINIUMS DEVELOPMENT AGREEMENT

The City of Ann Arbor, a Michigan municipal corporation, with offices at 100 N. Fifth Avenue, Ann Arbor, Michigan 48107 ("City") and West Towne Acquisitions, LLC, a Michigan limited liability company (and successor-in-interest to Liberty and Maple LLC), having its offices at _____, Ann Arbor, Michigan 48104 ("Proprietor") agree to amend the West Towne Condominiums Development Agreement ("Agreement") executed by the CITY and Liberty & Maple LLC, a Michigan limited liability company, and the previous developer of the property, dated July 18, 2005, recorded in Liber 4524, Page 242, Washtenaw County Records, regarding the land currently known as West Towne Condominiums, now being developed as Blue Heron Pond, as described in the attached Exhibit A, as follows:

1. The Agreement is amended to add the following Whereas clauses following the original Whereas clauses:

WHEREAS, West Towne Acquisitions, LLC, is now the owner of the land, or controls the land through the West Towne Condominium, and desires planned project site plan of the land as Blue Herron Pond Planned Project Site Plan;

WHEREAS, on _____, City Council approved the Blue Herron Pond Planned Project Site Plan.

WHEREAS, the obligations of the West Towne Condominiums Development Agreement run with the land and West Towne Acquisitions, LLC now desires to assume all obligations of the original Agreement that have not been previously satisfied.

2. Paragraph (P-9), (P-10), (P-16),(P-17),(P-20), (P-21) and (P-22) have been satisfied and are deleted.

3. Exhibit A is incorporated herein by reference.

Proprietor hereby agrees to assume all obligations of the PROPRIETOR in the Agreement.

All terms, conditions, and provisions of the Agreement between the parties executed July 18, 2005, unless specifically amended above, are to apply to this amendment and are made a part of this amendment as though expressly rewritten, incorporated, and included herein.

This amendment to the Agreement between the parties shall be binding on the heirs, successors and assigns of the parties.

Dated this _____, 2013.

NOTARY PUBLIC
County of Washtenaw, State of Michigan
My Commission Expires: _____
Acting in the County of Washtenaw

DRAFTED BY AND AFTER RECORDING RETURN TO:
Kevin S. McDonald (P-61761)
City of Ann Arbor, Office of the City Attorney
100 N. Fifth Avenue
PO Box 8647
Ann Arbor, MI 48107

Exhibit A

Land Description:

[Existing Legal Description]

Now known as:

[Condominium Legal Description]

Tax ID #: